

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al. Art Unit : Unknown
Serial No. : Examiner : Unknown
Filed :
Title : SURGICAL INSTRUMENT WITH OFF-AXIS ELECTRODE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 35 USC §120, this application relies on the earlier filing date of application serial number 09/753,786, filed on January 2, 2001, and the references listed on the accompanying Forms PTO-1449 were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application.

This statement is being filed with the application.

Respectfully submitted,

Date: July 23, 2003

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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-044002	Application No. To be assigned
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.	
		Filing Date July 23, 2003	Group Art Unit To be assigned

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	US-379350	4-2002	Sharkey et al.			
	AB	4,074,718	02/1978	Morrison, Jr.			
	AC	5,464,023	11/1995	Viera			
	AD	5,897,553	04/27/99	Mulier et al.			
	AE	6,113,591	09/05/00	Whayne et al.			
	AF	6,277,112	08/21/01	Underwood et al.			
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

INFORMATION DISCLOSURE CITATION PTO-1449		ATTY. DOCKET NO.		SERIAL NO.		
		APPLICANT Sharkey et al.				
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U.S. PATENT DOCUMENTS						
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	5,487,757	1/30/96	Truckai et al.	607	122	
	5,500,012	3/19/96	Brucker et al.	607	122	
	5,599,356	4/4/97	Edwards et al.	606	41	
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	5,423,806	6/13/95	Dale et al.	606	15	
	4,601,705	7/22/86	McCoy	604	94	
	5,242,439	9/93	Larsen et al.	606	15	
	5,437,661	8/95	Rieser	606	15	
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	Auhll, Richard A., "The Use of the Resectoscope in Gynecology." Biomedical Business International, October 11, 1990, pp. 91-93.					
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	5,697,909	12/16/97	Eggers, et al.	604	114	5/10/94
	5,683,366	11/4/97	Eggers, et al.	604	114	11/22/95
	5,681,282	10/28/97	Eggers, et al.	604	114	4/11/95
	5,308,311	5/3/94	Eggers, et al.	606	28	5/1/92
	5,009,656	4/23/91	Reimels	606	48	8/17/89
	4,476,862	10/16/84	Pao	128	303.17	9/30/82
	5,524,338	6/11/96	Martyniuk, et al.	29	825	12/22/94
	4,907,589	3/13/90	Cosman	606	34	4/29/88
	5,630,839	5/20/97	Corbett, III, et al.	607	137	8/18/95

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						YES	NO
	WO 98/07468	26.02.98	PCT	A61N	1/40		
	WO 96/39914	19.12.96	PCT	A61B	1/00		

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	Cosset, J.M., Resistive Radiofrequency (Low Frequency) Interstitial Heating (RF Technique), Interstitial Hyperthermia, 12/6/93, pp. 3-5, 37
	Ellman International Mfg., Inc., 1989, Catalog, pp. 1-15, 20
	Attachment I: Competitive Literature on Generators with Bipolar Capabilities, IME Co., Ltd. pp. 60-86
	Attachment II: Competitive Literature on Bipolar Forceps and Footswitch Controls, IME Co., Ltd. pp. 87-104
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	3,178,728	4-20-65	Christensen	3	1	10-22-62
	3,579,643	5-25-71	Morgan	3	1	12-12-68
	3,776,230	12-4-73	Neefe	128	260	4-18-73
	3,867,728	2-25-75	Substad et al.	3	1	4-5-73
	3,879,767	4-29-75	Substad	3	1	2-11-74
	3,886,600	6-3-75	Kahn et al.	3	1	9-26-73
	3,938,198	2-17-76	Kahn et al.	3	1.912	9-27-73
	3,987,499	10-26-76	Scharbach et al.	3	1.91	8-9-74
	3,992,725	11-23-76	Homsy	3	1	10-17-74
	4,043,342	8-23-77	Morrison, Jr.	128	303.14	2-26-76
	4,085,466	4-25-78	Goodfellow et al.	3	1.91	8-4-77

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						YES	NO
	637118	15/12/78	U.S.S.R.	A61B	17/18		XX
	1 340 451	12/12/73	Great Britain	A61F	1/00		
	1,122,634	11/09/56	France	A61F	19/0		XX
	0 479 482 A1	08/04/92	Europe	A61B	17/39		
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	Christian, C. et al., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique", <i>Operative Techniques in Sports Medicine</i> , Vol. 1, No. 1, Jan. 1993, pp. 50-57.
	Houpt, J. et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc", <i>SPINE</i> , Vol. 21, No. 15, (1996), pp. 1808-13.
	Troussier, B. et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study", <i>SPINE</i> , Vol. 20, No. 15, (Aug. 1995), pp. 1713-18.
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	4,129,470	12-12-78	Homsy	156	155		
	4,224,696	9-30-80	Murray et al.	3	1.911		
	4,224,697	9-30-80	Murray et al.	3	1.911		
	4,326,529	4-27-82	Doss et al.	128	303.1		
	4,344,193	8-17-82	Kenny	3	1.911		
	4,362,160	12-7-82	Hiltebrandt	128	303.15		
	4,375,220	3-1-83	Matvias	128	804		
	4,381,007	4-26-83	Doss	128	303.1		
	4,397,314	8-9-83	Vaguine	128	399		
	4,483,338	11-20-84	Bloom et al.	128	303.13		
	4,517,965	5-21-85	Ellison	128	20		
	4,517,975	5-21-85	Garito et al.	128	303.13		
	4,593,691	6-10-86	Lindstrom et al.	128	303.14		
	4,597,379	7-1-86	Kihn et al.	128	1 R		
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 572 131 A1	01/12/93	Europe	A61B	17/39		
	WO 85/02762	04/07/85	PCT	A61B	17/36		XX
	WO 93/01774	04/02/93	PCT	A61F	7/12		XX
	WO 95/20360	03/08/95	PCT	A61B	17/39		
	WO 95/30373	16/11/95	PCT	A61B	17/00		
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	4,811,733	3-14-89	Borsanyi et al.	128	303.14		
	4,873,976	10-17-89	Schreiber	128	334 R		
	4,894,063	1-16-90	Nashef	623	13		
	4,895,148	1-23-90	Bays et al.	606	213		
	4,907,585	3-13-90	Schachar	606	28		
	4,924,865	5-15-90	Bays et al.	606	77		
	4,944,727	7-31-90	McCoy	604	95		
	4,950,234	8-21-90	Fujioka et al.	604	60		
	4,966,597	10-30-90	Cosman	606	50		
	4,976,709	12-11-90	Sand	606	5		
	4,976,715	12-11-90	Bays et al.	606	77		
	4,998,933	3-12-91	Eggers et al.	606	41		
	5,007,908	4-16-91	Rydell	606	47		
	5,100,402	3-31-92	Fan	606	41		
	5,103,804	4-14-92	Abele et al.	128	4		
	5,178,620	1-12-93	Eggers et al.	606	41		
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	5,191,883	3-9-93	Lennox et al.	128	401	5-22-90
	5,201,729	4-13-93	Hertzmann et al.	606	2	11-30-90
	5,201,730	4-13-93	Easley et al.	606	4	1-3-92
	5,213,097	5-25-93	Zeindler	128	401	7-13-92
	5,230,334	7-27-93	Klopotek	128	399	1-22-92
	5,242,441	9-7-93	Avitall	606	41	2-24-92
	5,261,906	11-16-93	Pennino et al.	606	46	12-9-91
	5,275,151	1-4-94	Shockey et al.	128	4	12-11-91
	5,284,479	2-8-94	de Jong	604	60	7-13-92
	5,304,169	4-19-94	Sand	606	5	8-17-92
	5,311,858	5-17-94	Adair	128	4	6-15-92
	5,320,115	6-14-94	Kenna	128	898	1-16-91
	5,323,778	6-28-94	Kandarpa et al.	128	653.2	11-5-91
	5,334,193	8-2-94	Nardella	606	41	11-13-92
	5,348,554	9-20-94	Imran et al.	606	41	12-1-92
	5,366,443	11-22-94	Eggers et al.	604	114	10-9-92
	5,433,739	7-18-95	Sluijter et al.	607	99	11-2-93
	5,458,596	10-17-95	Lax et al.	606	31	5-6-94

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						YES	NO

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	5,465,737	11-14-95	Schachar	128	898	1-30-95
	5,484,403	1-16-96	Yoakum et al.	604	59	4-5-94
	5,484,432	1-16-96	Sand	606	5	4-14-94
	5,484,435	1-16-96	Fleenor et al.	606	46	11-8-93
	5,507,812	4-16-96	Moore	623	13	4-26-94
	5,514,130	5-7-96	Baker	606	41	10-11-94
	5,542,920	8-6-96	Cherif Cheikh	604	57	9-12-94
	5,569,242	10-29-96	Lax et al.	606	42	2-16-95
	2,090,923	8-24-37	Wappler	128	303.15	7-12-35
	3,856,015	12-24-74	Iglesias	128	303.15	6-8-73
	3,945,375	3-23-76	Banko	128	6	4-30-73
	4,134,406	1-16-79	Iglesias	128	303.15	10-7-77
	4,590,934	5-27-86	Malis et al.	128	303.14	5-18-83
	4,651,734	3-24-87	Doss et al.	128	303.14	2-8-85
	4,815,462	3-28-89	Clark	128	305	4-6-87
	4,838,859	6-13-89	Strassmann	604	95	5-19-87
	4,955,882	9-11-90	Hakky	606	14	3-30-88

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						YES	NO

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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,085,657	2-4-92	Ben-Simhon	606	42	10-9-90
	5,098,430	3-24-92	Fleenor	606	42	3-16-90
	5,186,181	2-16-93	Franconi et al.	128	804	7-27-90
	5,192,267	3-9-93	Shapira et al.	604	22	3-28-91
	5,342,357	8-30-94	Nardella	606	40	11-13-92
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	5,354,331	10-11-94	Schachar	623	4	7-15-92
	5,364,395	11-15-94	West, Jr.	606	46	5-14-93
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	WO 92/10142	25/06/92	PCT	A61B	17/36	
	WO 93/20984	28/10/93	PCT	B26D	1/11	
	WO 95/01814	19/01/95	PCT	A61N	5/02	
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	Beadling, L., "Bi-Polar electrosurgical devices: Sculpting the future of arthroscopy", <i>Orthopedics today</i> , Vol. 17, No. 1, January 1997, 4 pages.					
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	5,397,304	3-14-95	Truckai	604	95	6-29-93
	5,401,272	3-28-95	Perkins	606	15	2-16-94
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	5,451,223	9-19-95	Ben-Simhon	606	42	7-26-94
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						YES	NO
	WO 97/06855	27/02/97	PCT	A61N	1/40		
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					YES	NO
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	0 682 910 A1	22/11/95	Europe	A61B	1/00	XX
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	5,114,402	5/19/92	McCoy	604	95		
	5,152,748	10/06/92	Chastagner	604	95		
	5,279,559	1/18/94	Barr	604	95		
	5,415,633	5/16/95	Lazarus et al.	604	95		
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						YES	NO
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	WO 96/34559	11/07/96	PCT	A61B	5/0402		
	WO 98/17190	4/30/98	PCT	A61B	18/00		
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	5,527,331	6/18/96	Kresch et al.	606	170		
	5,718,702	2/17/98	Edwards	606	41		
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	5,810,809	8/22/98	Rydell	606	49		
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER			DATE CONSIDERED				

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INFORMATION DISCLOSURE CITATION PTO-1449		ATTY. DOCKET NO.		SERIAL NO.			
		APPLICANT Hugh R. Sharkey et al.					
		FILING DATE		GROUP To be assigned			
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS		
	5,364,395	11/15/94	West, Jr.				
FOREIGN PATENT DOCUMENTS							
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	WO 82/02488	8/05/82	PCT	A61B	17/39		
	WO 93/16648	9/02/93	PCT	A61B	17/32		
	WO 95/10981	4/27/95	PCT	A61B	8/12		
	WO 95/25471	9/28/95	PCT	A61B	17/39		
	WO 96/11638	4/25/96	PCT	A61B	17/32		
	2 645 008	10/05/90	France	A61B	17/32		
	DE 39 18316	3/22/90	Germany	A61B	17/39		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
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		FILING DATE		GROUP To be assigned			
U.S. PATENT DOCUMENTS							
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	4,074,718	2/21/78	Morrison, Jr.	128	303.14		
	5,085,659	2/04/92	Rydell	606	47		
	5,437,661	8/01/95	Rieser	606	15		
	5,464,023	11/07/95	Viera	128	772		
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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	2 645 008	3/28/89	France	A61B	17/32		
	WO 93/16648	9/02/93	PCT	A61B	17/32		
	WO 95/25471	9/28/95	PCT	A61B	17/39		
	WO 95/30377	11/16/95	PCT	A61B	17/39		
	WO 95/34259	12/21/95	PCT	A61F	5/48		
	WO 96/11638	4/25/96	PCT	A61B	17/32		
	WO 96/32051	10/17/96	PCT	A61B	1/00		
	WO 96/34571	11/07/96	PCT	A61B	17/39		
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						YES	NO

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	Sluijter M.E., The Use of Radiofrequency lesions For Pain Relief in Failed Back Patients, Vol. 10 No. 1 (1988)
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						YES <input type="checkbox"/> NO <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	Buchelt et al., LASERS IN SURGERY AND MEDICINE: Erb:YAG and Hol:YAG Laser Ablation of Meniscus and Intervertebral Discs, Vol. 12 No. 4, (1992) pp. 375-381					
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				Application Number							
				Filing Date							
				First Named Inventor		Hugh R. Sharkey					
				Group Art Unit							
				Examiner Name		Not Assigned					
Sheet	1	of	4	Attorney Docket Number							
U.S. PATENT DOCUMENTS											
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear					
		Number	Kind Code ² (if known)								
		A1	164,184				KIDDER		08/08/1875		
		B1	300,155				STARR		06/10/1894		
		C1	371,664				BRANNAN et al.		10/18/1887		
		D1	452,220				GUNNING		05/12/1891		
		E1	1,314,855				CARPENTER		09/02/1919		
		F1	1,366,756				WAPPLER		01/25/1921		
		G1	1,731,627				JOHNSON et al.		10/15/1929		
		H1	1,735,271				GROFF		12/12/1929		
		I1	1,814,791				ENDE		07/14/1931		
		J1	1,908,583				WAPPLER		05/09/1933		
		K1	1,916,722				ENDE		07/04/1933		
		L1	1,932,258				WAPPLER		10/24/1933		
		M1	1,943,543				McFADDEN		01/16/1934		
		N1	1,983,669				KIMBLE		11/11/1934		
		O1	2,002,594				WAPPLER et al.		05/28/1935		
		P1	2,004,559				WAPPLER et al.		06/11/1935		
		Q1	2,050,904				TRICE		08/11/1936		
R1											
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Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear				
		Office ³	Kind Code ² (if known)								
			Number ⁴								
			S1	GB				2,160,102	A	RICHARD WOLF GmbH	12/18/1985
			T1								
			U1								
			V1								
			W1								
			X1								
Y1											
Z1											
Examiner Signature				Date Considered							

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Sheet	2	of	4	Filing Date	
				First Named Inventor	Hugh R. Sharkey
				Group Art Unit	
				Examiner Name	Not Assigned
				Attorney Docket Number	

U.S. PATENT DOCUMENTS

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	C2	2,275,167		BIERMAN	03/03/1942	
	D2	2,888,928		SEIGER	06/02/1959	
	E2	3,152,590		ZURDO et al.	10/13/1964	
	F2	3,163,165		ISAKAWA	12/29/1964	
	G2	3,460,539		ANHALT, SR.	08/12/1969	
	H2	3,595,239		PETERSEN	07/27/1971	
	I2	3,768,482		SHAW	10/30/1973	
	J2	3,828,780		MORRISON, JR.	08/13/1974	
	K2	3,870,047		GONSER	03/11/1975	
	L2	3,901,242		STORZ	08/26/1975	
	M2	3,902,494		HABERLIN	09/02/1975	
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	O2	3,920,022		PASTOR	11/18/1975	
	P2	3,938,527		RIOUX et al.	02/17/1976	
	Q2	3,987,795		MORRISON	10/26/1976	
	R2					

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Sheet 3 of 4

Application Number

Filing Date

First Named Inventor

Hugh R. Sharkey

Group Art Unit

Examiner Name

Not Assigned

Attorney Docket Number

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A3	4,927,420			NEWKIRK et al.	05/22/1990	
B3	5,277,696			HAGEN	01/11/1994	
C3	5,281,218			IMRAN	01/25/1994	
D3	5,643,255			ORGAN	07/01/1997	
E3	5,786,705			BAKER	07/28/1998	
F3	6,135,999			FANTON et al.	10/24/2000	
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Sheet	4	of	4	Filing Date	
				First Named Inventor	Hugh R. Sharkey
				Group Art Unit	
				Examiner Name	Not Assigned
				Attorney Docket Number	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	A4	LEE BEADLING, <i>Bi-Polar electrosurgical devices: Sculpting the future of arthroscopy</i> , ORTHOPEDICS TODAY, January 1997, Vol. 17, No. 1, SLACK, Inc., Medical Publisher.			
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